

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

v.

KENNETH BUHOLTZ (1)

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§

CRIMINAL NO. 4:11-CR-135-ALM-CAN-1

**MEMORANDUM ADOPTING IN PART REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. The Magistrate Judge entered proposed findings of fact and recommendations (the “Report”) (Dkt. #160) that Defendant Kenneth Buholtz (“Defendant”) be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eighteen (18) months, followed by five (5) years of supervised release. The Magistrate Judge further recommended Defendant’s previous conditions of supervised release be imposed with an additional special condition as follows: “You must not allow any female friends, associates, colleagues, or tenants to reside on your property or at your residence.” Defendant did not consent to revocation and did not waive his right to object to the proposed findings and recommendations of the United States Magistrate Judge. Defendant also did not waive his right to allocute before the undersigned. Defendant did not file objections.

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts in part the Magistrate Judge’s Report as the findings and conclusions of the Court as to the issue of revocation of Defendant’s supervised release. On January 25, 2023, Defendant having appeared before the undersigned to allocute. After allocution, the Court finds

that an upward variance is warranted above what the Magistrate Judge found to afford adequate deterrence and to protect the public from further crimes of the defendant. .

Accordingly, Defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of thirty-six (36) months, followed by five (5) years of supervised release. Defendant's previous conditions of supervised release are to be imposed with the additional special condition as follows: "You must not allow any female friends, associates, colleagues, or tenants to reside on your property or at your residence without prior approval by the U.S. Probation Officer."

SIGNED this 26th day of January, 2023.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE